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6
7 **IN THE SUPERIOR COURT FOR THE COUNTY OF COCHISE**
8 **STATE OF ARIZONA**

9 CHRISTINA ARVIZU, for herself and
for all statutory beneficiaries,

No.

10 Plaintiff,

COMPLAINT

11 v.

12 JANICE WILSON and JOHN DOE
13 WILSON, husband and wife; ABC
CORPORATION and/or
14 PARTNERSHIPS, I-X, fictitious
entities, JOHN and JANE DOES I-X,
fictitious individuals,

15 Defendants.

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17 For her Complaint against Defendant, Plaintiff alleges as follows:

18 **PARTIES, JURISDICTION, AND VENUE**

19 1. Plaintiff Christina Arvizu is an individual domiciled and residing in Cochise
20 County, Arizona.

21 2. Christina Arvizu is the surviving mother of Decedent Jose Daniel Arvizu (Mr.
22 Arvizu).

23 3. Plaintiff Christina Arvizu brings this action on behalf of herself and all
24 statutory beneficiaries of Mr. Arvizu pursuant to A.R.S. §12-611, *et seq.*

25 4. On information and belief, Defendant Janice Wilson and John Doe Wilson are
26 husband and wife residing in Cochise County, Arizona.

27 . . .

28 . . .

1 5. Plaintiff is not currently aware of the true identities of ABC CORPORATION
2 and/or PARTNERSHIPS, I-X, or JOHN and JANE DOES I-X. When Plaintiff discovers
3 their true identities, she will amend this Complaint accordingly.

4 6. All actions taken by the individual Defendants material hereto were taken by,
5 for, and on behalf of their marital communities.

6 7. Jurisdiction and venue are proper in this court.

7 **BACKGROUND ALLEGATIONS COMMON TO ALL COUNTS**

8 8. On June 22, 2017, Mr. Arvizu was shot and killed at or near 4110 E. Sagebrush
9 Rd. in Sierra Vista, Arizona, by Mr. Roger Wilson.

10 9. On information and belief, the firearm used to kill Mr. Arvizu was owned by
11 and/or registered to Defendant Janice Wilson ("the Firearm").

12 10. Roger Wilson is Defendant Janice Wilson's son.

13 11. Defendant Janice Wilson provided the Firearm to Roger Wilson.

14 12. Roger Wilson was a prohibited possessor pursuant to A.R.S. § 13-3101.

15 13. Defendant Janice Wilson knew or had reason to know that Roger Wilson was
16 a prohibited possessor.

17 14. Roger Wilson's use of the Firearm resulted in the death of Mr. Arvizu.

18 15. As a result, Mr. Arvizu's statutory beneficiaries were injured and suffered
19 damages in an amount to be proven at trial including, but not limited to, the loss of Mr.
20 Arvizu's love, affection, consortium, medical bills, pain and suffering, and emotional
21 distress.

22 **COUNT ONE**

23 **(Negligence Per Se Against Defendants Wilson)**

24 16. Plaintiff incorporates herein by reference all allegations contained in this
25 Complaint as if stated herein again in full.

26 17. Defendant Janice Wilson owned and/or controlled the Firearm at the time she
27 provided the Firearm to Mr. Roger Wilson.

28 18. Roger Wilson was a prohibited possessor pursuant to A.R.S. § 13-3101.

1 19. Defendant Janice Wilson had knowledge that Roger Wilson intended to use the
2 Firearm to harm others, including Mr. Arvizu.

3 20. Defendant Janice Wilson facilitated the use of the Firearm by Roger Wilson,
4 resulting in harm to Mr. Arvizu, in violation of A.R.S. § 13-1004.

5 21. Defendant Janice Wilson provided the Firearm to Roger Wilson, a prohibited
6 possessor, in violation of A.R.S. § 13-3102.

7 22. Further, Defendant Janice Wilson provided the Firearm to Mr. Roger Wilson
8 in violation of the federal Gun Control Act, specifically 18 U.S.C. § 922(d).

9 23. Mr. Arvizu's death was a direct and proximate result of Defendant Janice
10 Wilson's actions causing Plaintiff to suffer injuries in an amount to be proven at trial.

11 **COUNT TWO**

12 **(Negligent Entrustment Against Defendants Wilson)**

13 24. Plaintiff incorporates herein by reference all allegations contained in this
14 Complaint as if stated herein again in full.

15 25. Defendant Janice Wilson owned and/or controlled the Firearm at the time she
16 provided the Firearm to Roger Wilson.

17 26. Defendant Janice Wilson provided the Firearm to her son, Roger Wilson, who
18 was a prohibited possessor pursuant to A.R.S. § 13-3101.

19 27. Defendant Janice Wilson knew or had reason to know that Roger Wilson was
20 a prohibited possessor.

21 28. Defendant Janice Wilson knew or had reason to know that Roger Wilson was
22 likely to use the Firearm in a manner involving unreasonable risk of physical harm to himself
23 and/or others.

24 29. Mr. Arvizu's death was a direct and proximate result of Roger Wilson's use of
25 the Firearm and Defendant Janice Wilson's entrustment of the Firearm to him.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff prays for relief against Defendants as follows:

28 A. For judgment in her favor on all counts of the Complaint;

- 1 B. For general compensatory damages in an amount to be determined at trial;
2 C. For special damages in an amount to be proven at trial by jury;
3 D. For costs pursuant to A.R.S. § 12-341;
4 E. For pre- and post-judgment interest on the foregoing; and
5 F. For such other and further relief as the Court deems just and proper under the
6 circumstances.

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a trial by jury of all issues so triable.

9 DATED this 21st day of June, 2019.

10 **MAYESTELLES PLLC**

11
12 By: /s/ Gail Barsky
13 Gail Barsky
14 J. Blake Mayes
15 *Attorneys for Plaintiff*
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